

Filed for intro on 01/28/98
SENATE BILL 2467 By
Harper

HOUSE BILL 2634
By West

AN ACT to amend Tennessee Code Annotated, Section 36-3-619,
relative to state certified security officers/guards.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-3-619, is amended by designating the existing language in subsection (b) as subsection (c), redesignating subsequent subsections appropriately and by adding the following language as a new subsection (b):

(b) If a state certified security officer/guard who is properly registered under Title 62, Chapter 35, has probable cause to believe that two (2) or more persons committed a misdemeanor or felony, or if two (2) or more persons make complaints to the state certified security officer/guard, the state certified security officer/guard shall try to determine who was the primary aggressor. Arrest is the preferred response only with respect to the primary aggressor. The state certified security officer/guard shall presume that arrest is not the appropriate response for the person or persons who were not the primary aggressor(s). If the state certified security officer/guard believes that all parties are equally responsible, the state certified security officer/guard shall exercise his/her best judgment in determining whether to arrest all, any or none of the parties. Any state certified security officer/guard who has probable cause to believe a violation of this subsection or any assault or violence involving domestic abuse or violence has occurred must report such violation and protect any person involved. The state certified security

10000001

10000001

010286

01028658

officer/guard shall report such violation to the local law enforcement agency as soon as practicable.

SECTION 2. Tennessee Code Annotated, Section 36-3-619, is further amended in the existing subsection (d) by deleting the language "A law enforcement officer shall not:" and by substituting instead the language "A law enforcement officer or a state certified security officer/guard under Title 62, Chapter 35, shall not:".

SECTION 3. Tennessee Code Annotated, Section 36-3-619, is further amended in the existing subsection (c) by deleting the language "the officer shall consider:" and by substituting instead the language "the officer or security guard/officer shall consider:".

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.